

American Water Works Association
Government Affairs Office

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Dedicated to Safe Drinking Water

March 30, 2001

U . S . Environmental Protection Agency
Enforcement and Compliance Docket and Information Center (MC 2201A)
Docket Number EC-2000-007
Attn: E-SIGN ANPRM
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: E-SIGN Advanced Notice of Primary Rulemaking (66 FR 12746)

Gentlemen:

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to the improvement of drinking water quality and supply. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our 57,000 plus members represent the full spectrum of the drinking water community: treatment plant operators and managers, environmental advocates, scientists, academicians, and others who hold a genuine interest in water supply and public health. Our membership includes more than 4,200 utilities that supply roughly 80 percent of the nation's drinking water .

AWWA is generally supportive of EPA's electronic reporting initiatives, as it can provide operating efficiencies by eliminating a lot of the paper trail. However, drinking water utilities recognize that electronic reporting initiatives must be developed very carefully and with the full participation of all effected parties. Drinking water utilities remain very concerned about the potential compliance implications from these initiatives. (i.e. , both electronic reporting and electronic signatures will need sufficient safeguards to ensure accuracy.)

AWWA does not recommend the development of an interim E-SIGN regulation at this time based on the minimal information given in the Advanced Notice of Primary Rulemaking (ANPRM). AWWA recommends that the specific E-SIGN regulatory requirements be integrated into the upcoming Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERRR) . In order to make the shift in the future to electronic reporting, drinking water utilities need a single regulation that clearly explains all of the regulatory requirements. Electronic reporting and recordkeeping is an extremely complex issue and should not be rushed into. Careful and thoughtful deliberations are necessary to transition from the currently complex paper (with some electronic) reporting and recordkeeping systems .

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AWWA's and utilities' recent experience with EPA's transition to electronic reporting systems has been fraught with difficulties. EPA's Safe Drinking Water Information System (SDWIS) is cumbersome to use, full of erroneous data, and difficult to make corrections to when erroneous data is found. The multiple sets of software used for the Information Collection Rule (ICR) ended up being cumbersome to use, full of data that was not needed, and difficult to extract the data to translate into useful information. The web-based reporting system for the Unregulated Contaminant Monitoring Rule (UCMR) won't be ready to accept data until July, 2001, even though the utilities were required to start monitoring in January, 2001. So it is easy to see why AWWA and utilities are skeptical about how electronic reporting and recordkeeping might really work in the future based on these past experiences.

Additionally, AWWA has several potential concerns with the future CROMERRR rule. Drinking water utilities typically contract with a commercial laboratory for their compliance monitoring. These laboratories generally have the capability for electronic reporting at this time. The critical issue here is data ownership. The drinking water utilities are paying for this data, and should be able to maintain ownership of the data through an electronic reporting process. Data should be reported electronically back to the utility for verification prior to any electronic reporting to any regulatory agency. Utilities and laboratories should also have the ability to review data once in the database and submit requests for changes electronically just like they are required to submit their compliance data electronically.

A system should be established for notification of receipt of the data by the regulatory agency. Additionally, electronic reporting should enable immediate feedback on the quality of the data reported. The quality assurance and quality control on the data submission side should be communicated back in near real time. This feedback should include (but not be limited to):

- . Timeliness of the reporting - was the report received in time?
- . Format - was the data received in the proper format with all of the required information?
- . Content - All received data should be checked for ranges and quality control charting.
- . Checking Ranges would be established from the existing data bases, i.e. detection limits and maximum possible reported values.
- . Quality control charting would be based on means plus and minus three standard deviations for past reported values.
- . Any rejected submissions should be communicated back immediately with easily understood reasons for rejection. Data submission should include a check sum that is then fed back with the acknowledgement to ensure proper data transfer.

Electronic reporting should also move toward scheduled reporting with notification of when reports are expected. These kinds of technologies are incorporated into standard

off the shelf products such as" Quicken" and there is no reason that they cannot be developed for compliance reporting. When scheduled compliance reports are not received a variance with a grace period for reporting should be issued.

A system should be established for "lost" data. Even with electronic reporting, some data will be "lost" and a contingency plan for this possibility should be established so that the utility is not in violation due to this "lost" data.

A WW A is looking forward to the upcoming CROMERRR rule and will submit detailed comments on that proposal. If you have any questions about these comments on the ESIGN ANPRM, please feel free to call me or Jeanne Bailey in our Washington Office.

Yours Sincerely,

Thomas w. Curtis
Deputy Executive Director

cc:

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